



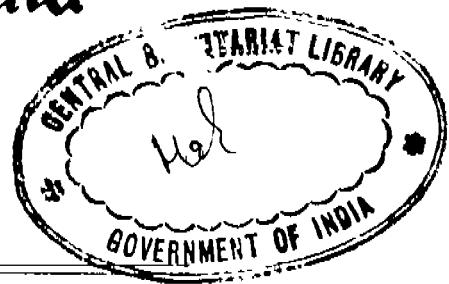
भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

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इस भाग में विशेष पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 13th May, 1994:—

BILL No. XXXIX of 1994

A Bill further to amend the Indian Boilers Act, 1923.

Be it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Boilers (Amendment) Act, 1994.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Amendment of section 1.

2. In section 1 of the Indian Boilers Act, 1923 (hereinafter referred to as the principal Act), in sub-section (1), the word "Indian" shall be omitted.

Amendment of section 2.

3. In section 2 of the principal Act,—

(1) for clause (a), the following clause shall be substituted, namely:—

(a) "accident" means an explosion of a boiler, or boiler component, or an uncontrolled release of water or steam therefrom, causing death or injury to any person or damage to any property;

(2) for clause (b), the following clauses shall be substituted, namely:—

(b) "boiler" means a pressure vessel in which steam is generated for use external to itself by application of heat which is wholly or partly under pressure when steam is shut off but does not include a pressure vessel,—

(i) with capacity less than 25 litres (such capacity being measured from the feed check valve to the main steam stop valve);

(ii) with less than one kilogram per centimetre square design gauge pressure; or

(iii) in which water is heated below one hundred degrees centigrade;

(ba) "boiler component" means steam piping, feed piping, economiser, superheater, any mounting or other fitting and any other external or internal part of a boiler which is subject to pressure exceeding one kilogram per centimetre square gauge;';

(3) after clause (c), the following clauses shall be inserted, namely:—

(ca) "Competent Authority" means an institution recognised under sub-section (3) of section 4B;

(cb) "Competent Person" means a person recognised under sub-section (1) of section 4C;'

(4) after clause (ccc), the following clauses shall be inserted, namely:—

(ccd) "Inspecting Authority" means an institution recognised under sub-section (1) of section 4B;

(cce) "manufacture" means manufacture, construction and fabrication of boiler or boiler component, or both;

(ccf) "manufacturer" means a person engaged in the manufacture;'

(5) in clause (d), for the words "includes any person", the words "includes any person possessing or" shall be substituted;

(6) for clause (f), the following clause shall be substituted, namely:—

(f) "steam pipe" means any pipe through which steam passes from a boiler if—

(i) the pressure at which steam passes through such pipe exceeds 3.5 kilogram per square centimetres above atmospheric pressure, or

(ii) such pipe exceeds 254 millimetres in internal diameter and the pressure of steam exceeds 1 kilogram per square centimetres above the atmospheric pressure;

and includes in either case any connected fitting of steam-pipe;';

(7) for clause (g), the following clauses shall be substituted, namely:—

(g) "structural alteration, addition or renewal" means,—

(i) any change in the design of a boiler or boiler component;

(ii) replacement of any part of boiler or boiler component by a part which does not conform to the same specification; or

(iii) any addition to any part of a boiler or boiler component;

(h) "superheater" means any equipment which is partly or wholly exposed to flue gases for the purpose of raising the temperature of steam beyond the saturation temperature at that pressure and includes a re-heater;

'Technical Adviser' means the Technical Adviser appointed under sub-section (1) of section 4A.'

4. For section 3 of the principal Act, the following section shall be substituted, namely:—

Substi-
tution of
new
section
for
section 3.

"3. Nothing in this Act shall apply to—

(a) locomotive boilers belonging to or under the control of the railways;

(b) any boiler or boiler component, —

(i) in any vessel propelled wholly or in part by the agency of steam;

(ii) belonging to, or under the control of, the Army, Navy or Air Force; or

(iii) appertaining to a sterilizer disinfecter used in hospitals or nursing homes, if the boiler does not exceed one hundred litres in capacity.”.

5. In section 4 of the principal Act, for the words “State Government”, the words “Central Government” shall be substituted.

Amend-
ment of
section 4.

6. After section 4 of the principal Act, the following sections shall be inserted, namely:—

Insertion
of new
sections
4A to 4H.

“4A (1) The Central Government shall appoint a Technical Adviser from amongst the persons having such qualifications and experience as may be prescribed by rules.

Technical
Advisor.

(2) The terms and conditions of service of the Technical Advisor shall be such as may be prescribed by the Central Government.

(3) The Technical Advisor shall, in addition to exercising the powers and discharging the functions assigned to him under this Act or rules or regulations made thereunder, exercise such other powers and discharge such functions as the Central Government and the Board may delegate to him.

4B. (1) The Board may recognise an institution to be known as Inspecting Authority to inspect a boiler or boiler component, or both during manufacture and erection of such boiler or boiler component.

(2) An institution fulfilling such conditions, as may be prescribed by regulations may, apply to the Board for recognition as Inspecting Authority in such manner as may be prescribed by regulations.

(3) The Board may recognise an institution to be known as Competent Authority to certify Welders engaged during manufacture or use of boiler or boiler component, or both.

(4) An institution fulfilling such conditions, as may be prescribed by regulations, may apply to the Board for recognition as Competent Authority in such manner as may be prescribed by regulations.

(5) The Board may recognise a person manufacturing any boiler component or any material used in the manufacture of boiler or boiler component.

Inspecting
Authority,
Competent
Authority,
recognised
manufac-
turer and
boiler
repairer.

(6) A manufacturer fulfilling such conditions, as may be prescribed by regulations, may apply to the Board for recognition as recognised manufacturer in such manner as may be prescribed by regulations.

(7) The Board may recognise an institution to be known as Boiler Repairer to repair a boiler or boiler component or both during the use of boiler.

(8) An institution fulfilling such conditions, as may be prescribed by regulations, may apply to the Board for recognition as Boiler Repairer in such manner as may be prescribed by regulations.

(9) The Board may, if satisfied that the institution applying for recognition under sub-sections (2), (4), (6) and (8) has complied with the conditions precedent for recognition, recognise such institutions as Inspecting Authority, Competent Authority, recognised manufacturer or Boiler Repairer, as the case may be, subject to the payment of such fee, and such other conditions as may be prescribed by regulations:

Provided that the Board shall not refuse recognition to any institution unless such institution is given an opportunity of being heard.

Competent Person.

4C. (1) The Technical Advisor may recognise persons to be known as Competent Person for inspection of boiler or boiler component or both during use of boiler and boiler component.

(2) A person fulfilling such conditions, as may be prescribed by regulations, may apply to the Technical Advisor for recognition as Competent Person in such manner as may be prescribed by regulations.

(3) The Technical Advisor may, if satisfied that a person applying for recognition under sub-section (2) has complied with the conditions precedent for recognition, recognise such person as Competent Person subject to the payment of such fee and such other conditions as may be prescribed by regulations:

Provided that the Technical Advisor shall not refuse recognition to a person unless such person is given an opportunity of being heard.

Welders certificate.

4D. (1) Any person who proposes to undertake any welding work connected with or related to a boiler, or a boiler component or both shall apply to a Competent Authority for issue of a Welders certificate.

(2) On receipt of an application under sub-section (1), the Competent Authority shall follow such procedure for examination and grant of Welders certificate as may be prescribed by regulations.

(3) The Competent Authority may, if satisfied that the person applying for Welders certificate under sub-section (2) has complied with the conditions precedent for issue of the Welders certificate, issue such certificate to such person subject to the payment of such fee and such other conditions as may be prescribed by regulations:

Provided that the Competent Authority shall not refuse Welders certificate to any person unless such person is given an opportunity of being heard.

Conditions precedent for manufacture of boiler and boiler component.

4E. (1) No person shall manufacture or cause to be manufactured any boiler or boiler component, or both unless,—

(a) he has provided in the premises or precincts wherein such boiler or boiler component, or both are manufactured, such facilities for design and construction as may be prescribed by regulations;

(b) the design and drawings of the boiler and boiler component have been approved by the Inspecting Authority under clause (a) of sub-section (2) of section 4F;

(c) the materials, mountings and fittings used in the construction of such boiler or boiler component, or both conform to the specifications prescribed by regulations; and

(d) the persons engaged for welding boiler or boiler component holds Welder's certificate issued by a Competent Authority.

4F. (1) Every manufacturer, before commencing manufacture of a boiler or boiler component, shall engage an Inspecting Authority for carrying out inspection at such stages of manufacture as may be prescribed by regulations.

(2) The Inspecting Authority engaged under sub-section (1) shall follow such procedure for inspection and certification of boiler or boiler component as may be prescribed by regulations and after inspection if it is—

(a) satisfied that the boiler or the boiler component conforms to the standards prescribed by regulations, it shall issue a certificate of inspection and stamp the boiler, or boiler component, or both; or

(b) of the opinion that the boiler, or boiler component, or both does not conform to the standards prescribed by regulations, it may for reasons to be recorded in writing refuse to issue such certificate :

Provided that no certificate shall be refused unless the Inspecting Authority had directed the manufacturer of the boiler or boiler component, or both in writing to carry out such modifications or rectifications as it deems necessary and the Inspecting Authority is of the opinion that inspite of such direction the manufacturer of the boiler or boiler component, or both did not carry out the direction.

(3) The Inspecting Authority may for the purposes of inspection under this section charge such fee as may be prescribed by regulations.

4G. (1) The owner who proposes to register a boiler under section 7, shall engage an Inspecting Authority for carrying out inspection at the stage of erection of the boiler.

(2) The Inspecting Authority shall follow such procedure for inspection and certification of a boiler or boiler component, or both as may be prescribed by regulations and after inspection if it is—

(a) satisfied that the erection of the boiler is in accordance with the regulations, it shall issue a certificate of inspection in such form as may be prescribed by regulations; or

(b) of the opinion that the boiler has not been erected in accordance with the regulations, it may for reasons to be recorded in writing, refuse to grant the certificate and shall communicate such refusal to the manufacturer of the boiler or boiler component forthwith:

Provided that no such certificate shall be refused unless the Inspecting Authority had directed the owner in writing to carry out such modifications or rectifications as it deems necessary and the Inspecting Authority is of the opinion that in spite of such direction the owner did not carry out the direction.

(3) The Inspecting Authority may for the purposes of inspection under this section charge such fee as may be prescribed by regulations.

Inspection during manufacture.

Inspection during erection.

Conditions
precedent
for repair-
ing boiler
and
boiler
component.

4H. No person shall repair or cause to be repaired any boiler or boiler component or both, unless,—

(a) he has provided in the premises or precincts, wherein such boiler or boiler component or both are being used such facilities for repairs as may be prescribed by regulations;

(b) the design and drawings of the boiler or boiler component, as the case may be, and the materials, mountings and fittings used in the repair of such boiler or boiler component conform to the regulations;

(c) persons engaged in welding, holds a Welders certificate issued by a Competent Authority;

(d) every user who does not have the in-house facilities for repair of boiler or boiler component shall engage a boiler repairer possessing a boiler repairer certificate for repairs of a boiler or boiler component or both, as the case may be;

(e) every user shall engage a Competent Person for approval of repairs to be carried out in-house or by the repairers.”.

Amend-
ment of
section 5.

7. In section 5 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely :—

“(4A) No person shall be appointed as the Chief Inspector, Deputy Chief Inspector or Inspector unless he possesses such qualifications and experience as may be prescribed by the Central Government.”.

Amend-
ment of
section 6.

8. In section 6 of the principal Act, in clause (e), for the words “State Government”, the words “Central Government” shall be substituted.

Amend-
ment of
section 7.

9. In section 7 of the principal Act,—

(a) in sub-section (1), for the words “may apply to the Inspector to have the boiler registered.”, the words “may apply to the Inspector along with such other documents as may be prescribed by regulations to have the boiler registered,” shall be substituted;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) On the said date the Inspector shall, inspect the boiler with a view to satisfying himself that the boiler has not suffered any damage during its transit from the place of manufacture to the site of erection and forward a report of the inspection along with the documents to the Chief Inspector within seven days.”.

Amend-
ment of
section 8.

10. In section 8 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (c), for the figures “18.58”, the figures “20” shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely:—

“(d) save as provided in section 12, when any structural altera-
tion, addition or renewal is made in or to the boiler;”;

(iii) in clause (f), for the words “it or any steam pipe”, the words “it or any boiler component” shall be substituted;

(b) in sub-section (3), for the word "Inspector", the words "Competent Person" shall be substituted;

(c) for sub-sections (4) and (5), the following sub-sections shall be substituted, namely :—

"(4) On receipt of an application under sub-section (3), the Competent Person shall, within fifteen days from the date of such receipt, inspect the boiler in such manner as may be prescribed by regulations.

(5) If the Competent Person is—

(a) satisfied that the boiler and the boiler components attached thereto are in good condition he shall issue a certificate for such period as may be prescribed by regulations.

(b) of the opinion that the boiler or boiler component, or both does not conform to the standards prescribed by regulations, it may for reasons to be recorded in writing, refuse to issue such certificate :

Provided that no certificate shall be refused unless the Inspecting Authority had directed the owner of the boiler or the boiler component, or both in writing to carry out such modifications or rectifications as it deems necessary and the Competent Person is of the opinion that inspite of such direction the owner of the boiler, or boiler component, or both did not carry out the direction :

Provided further that the Competent Person shall within forty-eight hours of making the examination, inform the owner of the boiler or boiler component any defect in his opinion and the reasons therefor and shall forthwith report the case to the Chief Inspector.

(6) The Competent Person may for the purposes of inspection under this section charge such fee as may be prescribed by regulations."

11. In section 9 of the principal Act, the words, brackets and figures "or sub-section (5) of section 8" shall be omitted.

Amend-
ment of
section 9.

12. In section 11 o the principal Act.—

Amend-
ment of
section 11

(a) in clause (c), for the words "State Government", the words "Central Government" shall be substituted;

(b) clause (d) and the proviso shall be omitted.

13. In section 12 of the principal Act, the following proviso shall be inserted at the end, namely :—

"Provided that no such sanction is required where the structural alteration, addition or renewal is made under the supervision of a Competent Person.",

14. For section 13 of the principal Act, the following section shall be substituted, namely :—

"13. (1) Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any boiler component attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention and send therewith such particulars of proposed alteration, addition or renewal as may be prescribed by regulations.

Amend-
ment of
section 12.

Substi-
tion of
new
section for
section 13.

Alteration
or renewal
of boiler
com-
ponent.

(a) Any structural alteration, addition or renewal referred to in sub-section (1), shall be made by a person possessing a Boiler Repairer certificate under the supervision of the Competent Person.”

**Amend.
ment of
section 14.**

15. In section 14 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), for the word “Inspector”, the words “Competent Person” shall be substituted;

(ii) in clause (b), for the words “prescribed manner”, the words “manner prescribed by regulations” shall be substituted;

(iii) in clause (c), for the words “be prescribed”, the words “be prescribed by regulations” shall be substituted;

(b) in sub-section (2), for the word “Inspector”, the words “Competent Person” shall be substituted.

**Amend.
ment of
section 15.**

16. In section 15 of the principal Act, for the words and figures “Indian Factories Act, 1911”, the words and figures “the Factories Act, 1948” shall be substituted.

12 of 1911.
63 of 1948.

**Amend.
ment of
section 16.**

17. In section 18 of the principal Act,—

(a) in sub-section (1), for the word “steam-pipe”, at both the places where it occurs, the words “boiler component” shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Without prejudice to the provisions of sub-section (1), where any death has resulted due to any accident, an inquiry may be conducted by such person and in such manner as may be prescribed by the Central Government.”.

**Insertion
of new
section
18A.
Energy
audit.**

18. After section 18 of the principal Act, the following section shall be inserted, namely :—

“18A. (1) Every owner shall for the purposes of conserving energy and for increasing the thermal efficiency of the boiler, cause energy audit to be conducted by a person authorised by the Board.

(a) A person authorised under sub-section (1) shall be a person who fulfils such qualifications as may be prescribed by regulations.

(3) A person authorised under sub-section (1) shall conduct energy audit in such manner and charge such fee as may be prescribed by regulations.

**Amend.
ment of
section 19.**

19. Section 19 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely :—

“(2) Every appeal under sub-section (1) shall be made in such manner as may be prescribed by the State Government.

(3) The procedure for disposing of an appeal shall be such as may be prescribed by the State Government.”.

**Amend.
ment of
section 20.**

20. Section 20 of the principal Act shall be renumbered as sub-section (1) and—

(a) in sub-section (1) as so renumbered, for the words “lodge with the Chief Inspector an appeal to an Appellate Authority to be constituted by the

State Government under this Act", the words "prefer an appeal to the Central Government" shall be substituted;

(b) after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely :—

"(2) Any person considering himself aggrieved by the refusal of an Inspecting Authority to grant a certificate of inspection of manufacture or erection, as the case may be, may within thirty days from the date of communication of such refusal, prefer an appeal to the Central Government.

(3) Every appeal under sub-section (1) shall be made in such manner as may be prescribed by the Central Government.

(4) The procedure for disposing of an appeal shall be such as may be prescribed by the Central Government."

21. In section 21 of the principal Act, for the words, figures and letters "An order of the Central Government under section 20A and save as otherwise provided in sections 19, 20 and 20A, an order of an appellate authority", the words, figures and letter "An order of the Central Government under sections 20 and 20A," shall be substituted.

Amend-
ment of
section 21.

22. In section 22 of the principal Act, for the words "one hundred rupees" the words "five thousand rupees" shall be substituted.

Amend-
ment of
section
22.

23. In section 23 of the principal Act,—

(a) for the words "five hundred rupees", the words "one lakh rupees" shall be substituted;

Amend-
ment of
section
23.

(b) for the words "one hundred rupees", the words "one thousand rupees" shall be substituted.

24. In section 24 of the principal Act, for the words "punishable with fine which may extend to five hundred rupees", the words "punishable with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both" shall be substituted.

Amend-
ment of
section 24.

25. In section 25 of the principal Act,—

(a) in sub-section (1), for the words "five hundred rupees", the words "one lakh rupees" shall be substituted;

Amend-
ment of
section 25.

(b) in sub-section (2), for the words "fine, or with both", the words "fine which may extend to one lakh rupees or with both" shall be substituted.

26. In section 27A of the principal Act, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely :—

"(2) The Board shall consist of the following members, namely :—

Amend-
ment of
section
27A.

(a) the Secretary to the Government of India in charge of the Department of the Central Government having administrative control of the Board who shall be the Chairperson *ex officio* ;

(b) fifteen Chief Inspectors of Boilers to be nominated by the Central Government in such manner as may be prescribed by the Central Government;

(r) such number of other persons not exceeding twenty to represent

- (i) Central Government,
- (ii) the Bureau of Indian Standards,
- (iii) boiler and boiler component manufacturers,
- (iv) national laboratories,
- (v) engineering consultancy agencies,
- (vi) users of boilers, and

(vii) such other interests which in the opinion of the Central Government ought to be represented on the Board,

to be nominated by the Central Government;

(d) Technical Adviser, Member-Secretary *ex officio*.

(g) The term of office of the members nominated under clauses (b) and (c) of sub-section (2) shall be such as may be prescribed by the Central Government.”.

Amend-
ment of
section
28.

27. In section 28 of the principal Act, in sub section 1),—

(i) for clause (a), the following clause shall be substituted, namely :—

“(a) for laying down the standard conditions in respect of material, design, construction, erection, operation and maintenance which shall be required for the purposes of enabling the registration and certification of boilers, boiler components, boiler mountings and fittings under this Act;”;

(ii) in clause (d), for the word “steam-pipes”, the words “boiler components, boiler mountings and fittings” shall be substituted;

(iii) after clause (e), the following clauses shall be inserted, namely :—

“(ea) for prescribing the qualifications and experience subject to which the Inspecting Authorities, Competent Authorities and Competent Persons shall be recognised under this Act;

(eb) the conditions subject to which and the manner in which manufacturer of boiler components or material may be recognised;

(ec) facilities for design and construction which are required to be provided in the premises in which the manufacturing of any boiler or boiler component is carried out;

(ed) fee for the purposes of inspection or grant of recognition or any certificate under this Act;

(ef) procedure for examination and grant of Welders certificate;

(eg) powers and functions which the Board may delegate to the Technical Adviser;

(eh) documents to be enclosed alongwith the application for registration of boilers or renewal of a certificate authorising the use of boilers;

(ei) the manner of inspection of boilers;

(ej) the period for which a certificate authorising the use of a boiler may be renewed;

- (ek) the conditions subject to which and the form in which Competent Person shall renew a certificate authorising the use of boilers;
- (el) the manner and the form in which a Repairer's certificate shall be issued;
- (em) the manner in which the boiler shall be prepared for examination;
- (en) drawings, specifications, documents and other particulars which owner of a boiler is required to make available to the Competent Person;
- (eo) the manner in which a person may be authorised to conduct energy audit and the manner in which such audit shall be conducted;
- (ep) the manner in which disputes between the States with respect to registration of boilers shall be resolved.”.

28. In section 28A of the principal Act, for sub-section (r), the following sub-sections shall be substituted, namely:—

Amend-
ment of
section
28A.

- "(r) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (IA) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the procedure to be followed in making application under section 29A and the fees payable in respect of such application;
- (b) the qualifications and experience of persons to be appointed as Chief Inspectors, Deputy Chief Inspectors and Inspectors;
- (c) the manner in which appeals may be preferred to the Board, the fees payable in respect of appeals and the procedure to be followed of disposing such appeals;
- (d) the term of office of the members and the manner in which they shall be nominated under clauses (b) and (e) of sub-section (a) of section 27A;
- (e) the qualifications and experience of the Technical Adviser;
- (f) for requiring boilers to be under the charge of persons holding certificate of proficiency or competency and for prescribing the conditions on which such certificate may be granted;
- (g) the manner in which and the person who shall conduct inquiry into the accident.”.

29. In section 29 of the principal Act, in sub-section (r).—

Amend-
ment of
section
29.

- (i) for clause (a), the following clause shall be substituted, namely:—
 - "(a) the powers and duties of the Chief Inspector, Deputy Chief Inspectors and Inspectors;”;
- (ii) clause (d) shall be omitted ;
- (iii) for clause (f), the following clause shall be substituted, namely:—
 - "(f) fee payable for registration of boilers;”;
- (iv) for clause (h), the following clause shall be substituted, namely:—
 - "(h) the manner in which appeals shall be preferred to the Chief Inspector and the procedure to be followed for hearing such appeals;”;
- (v) clause (j) shall be omitted.

Amend-
ment of
section 30.

30. In section 30 of the principal Act,—

- (a) for the words "one hundred rupees", the words "one thousand rupees" shall be substituted;
- (b) for the words "one thousand rupees", the words "one lakh rupees" shall be substituted.

Amend-
ment of
section 33.

31. In section 33 of the principal Act, for the word "steam-pipes", the words "boiler components" shall be substituted.

Amend-
ment of
section 34.

32. In section 34 of the principal Act, in sub-section (3),—

- (i) for the words "State Government", the words "Central Government" shall be substituted;
- (ii) for the words "steam-pipes", the words "boiler components" shall be substituted;
- (iii) for the words "any part of the State", the words "any part of India" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Indian Boilers Act was enacted in 1923 to provide for the safety of life and property of persons from the danger of explosion of boilers during use. The Central Boilers Board was constituted in 1937. The administration of the Act is being carried out by the Inspectorate of Boilers of the States in their respective territories.

2. Since significant technological developments have taken place worldover and large capacity (upto 500 MW) boilers are now manufactured within the country according to latest International Standards, many of the provisions of the present Act have become outdated.

3. Considering all the above aspects, the Government of India had set up a High Powered Committee in June, 1972 for a comprehensive review of laws on boilers and unfired pressure vessels. The committee submitted its report in March, 1974. The committee observed that because of inadequate machinery with the State Governments both in terms of manpower and technical competence, interpretation of Indian Boiler Regulations and the standards of inspection are not uniform. The discretionary power used by Inspectorate of Boilers of the State, to allow the deviations, raise Inter-State disputes and the boilers manufactured in one State are not registered in the user State. Due to this the users suffer.

4. The main recommendations of the committee are.

(i) to set up a service oriented Central Government Organisation for inspection of boilers under manufacture and in use instead of State Governments acting as inspecting authorities;

(ii) to recognise independent inspection agencies for inspection of boilers under manufacture and in use.

5. The report of the committee was circulated to all the States and Union territories to ascertain their views in the years 1974 and 1984. Some of the State Governments opposed the main recommendation regarding the taking over of the implementation of Indian Boilers Act by Central Government. It was therefore decided to leave registration of boilers and the administration of the Act to the State Governments. Further, considering the recommendations of the High Powered Committee, the views of the State Governments, the present day technological requirements, the economic reforms and liberalisation policy of the Central Government, it has been decided to amend the Indian Boilers Act, 1923 to, *inter alia*, provide for—

(i) the inspection of boilers during manufacture erection and use in line with the present technological developments throughout the world;

(ii) decentralisation of inspection of boilers during their manufacture erection and use, by allowing independent inspection agencies. This will improve the quality of the boilers and also increase the employment potential of skilled technical manpower;

(iii) enhancing the penalties for contravention of the provisions of the Act on the lines of the provisions contained in the Factories Act, 1948 as amended in 1987;

(iv) change in the procedure for filing appeals against the orders made under the Act;

(v) energy audit for achieving higher efficiencies in the use of boilers;

(vi) for defining the powers of the Central Boilers Board for overseeing and enforcing the implementation of the provisions of the Act and the regulations made thereunder.

6. The Bill seeks to achieve the aforesaid objects.

KRISHNA SAHI

Notes on clauses

Clause 3 : Seeks to define the various expressions used in the Bill such as accidents, boiler, boiler component, competent authority, competent person, inspecting authority, manufacture and manufacturer, steam-pipe, structural alteration, addition or renewal, superheater, Reheaters and Technical Adviser (Boil.).

Clause 4: Provides for limitation of the application of the Act.

Clause 5 : Provides for powers to the Central Government to limit the extent of application for uniformity of the application in all the States of the Country from the operation of all or any specified area from the operation of all or any specified provision of the Act.

Clause 6 : Provides for the appointment of Technical Adviser and registration of competent authority, Inspecting Authority, competent person, manufacturer and repairer of Boiler and Boiler components in order to carry out the inspections, of Boiler during manufacture and use and to issue the welders certificate. The recognition of manufacturers and repairers to force the manufacturer, the repairers to provide the quality services to the owner of the Boiler. This will provide the high level of expertise required for inspection of Boilers under manufacture and use which is now not available due to monopoly of inspection in the hands of the inspectors. The competition shall increase and more employment opportunities shall be available to the skilled and qualified inspection personnel in the country.

Clause 7 : Provides for the minimum qualification of the Boiler Inspector, Deputy Chief Boiler Inspector and the Chief Inspectors of Boilers.

Clause 8: Provides for prescribing the qualifications for the operators of the Boilers and the supervisors by the Central Government in order to have uniformity in qualifications throughout the country so that the operating personnel can move from one State to other throughout the country and can enjoy the better promotional opportunities.

Clause 9 : Provides for Registration of Boiler for use by the Inspector/Chief Inspector of Boilers on basis of the documents issued by the Inspecting Authority as provided in the regulations. The Inspector shall only inspect if there is any damage to the boiler during transportation from the manufacturer works to the site of erection.

Clause 10 : Provides for the change of figures from 18.58 sq. meters to that of 20 sq. meters for transportable or vehicular boiler in order to make a round figure. It also provides for inspection of boiler and renewal of operating certificates by competent person if he is satisfied with the condition of the Boiler during use. The competent person may also charge such fee, as may be prescribed in the regulation for inspection of boiler/boiler component and renewal of operating certificates.

Clause 11 : Provides for removing the reference of sub-section (5) of section 8 in section 9 as the same has been modified.

Clause 12 : Same as clause 8, i.e., provides for prescribing qualifications for the operators of the Boilers and their supervisors by the Central Government in order to create uniformity in qualifications throughout the country.

Clause 13 : Provides for alternate inspection of repairs of boilers where such alteration, addition, or renewal is made under the supervision of a competent person.

Clause 14: Provides that the owner shall inform the Chief Inspector of Boilers regarding his intention and for carrying out any structural alteration, addition or removal in or to any boiler or boiler component before starting the actual work.

It also provides for compulsory inspection by the competent person.

Clause 15: Provides for inspection of boiler by competent person.

Clause 16: Provides for the words and figures the Indian Factories Act, 1911, the words and figures the Factories Act, 1948.

Clause 17: Provides for enquiry by the Central Government in case of serious accidents involving loss of life.

Clause 18: Provides for compulsory energy audit once in a year by an energy audit agency so that the owner knows the thermal efficiency of his boiler and can take actions to conserve energy and thereby increase his profits.

Clause 19: Provides for prescribing the proceeding of appeal to the Chief Inspector by the State Governments against the decision of the Inspector.

Clause 20: Provides for appeal to the Central Government against the decision of the registering authority, i.e., Chief Inspector of Boilers and Inspecting Authorities and for prescribing the procedure of appeal.

Clause 21: Provides for finality of orders on appeals provided in sections 20 and 20A.

Clause 22: Provides for increase in penalties from rupees one hundred to rupees five thousand as the penalties fixed in 1923 have no relevance today. The penalties have been enhanced in line with the Factories Act, 1948.

Clause 23: Provides for increase in the penalties from five hundred rupees to one lakh rupees.

Clause 24: Provides for fine up to rupees one lakh as well as imprisonment up to two years.

Clause 25: Provides for increased fine of rupees one lakh or imprisonment up to two years or both.

Clause 26: Provides for changed composition of the Central Boilers Board so that the Board may be able to use the latest technological opinions of more technical experts from the Industries, owners, manufacturers, consultants, etc.

Clause 27: Provides for strengthening the Board and define its powers clearly so that the Board can oversee and enforce the implementation of the provisions of the Act and regulations in the country. The Board being a statutory authority under the Act has also been empowered to make regulations for recognition of competent authority, Inspecting Authority, competent persons, manufacturers, repairers, energy audit agencies, etc., and design. The Board shall also prepare and enforce regulations for construction, materials, erection, operation, design and maintenance of Boilers in the country.

Clause 28: Provides for making rules by the Central Government for—

- (1) Procedure to be followed for appeals against the decision of the Inspecting Authority and Registering Authority;
- (2) The qualifications and experience of Technical Adviser, Chief Inspector, Deputy Chief Inspector and Inspector for their appointments;
- (3) the manner in which members shall be nominated ;

(4) for requiring boilers to be in-charge of persons holding certificate of proficiency or competency, etc. ;

(5) the manner in which enquiries into serious accidents shall be conducted.

Clause 29: Provides for the powers to make rules for various activities carried out by the State Government for administration of the Act.

Clause 30: Provides for enhancement of penalties for breach of rules from rupees one hundred to rupees one thousand in the first offence and from rupees one thousand to rupees one lakh for subsequent offence.

Clause 31: Provides for change of the word steam-pipe to Boiler component.

Clause 32: Provides for exemptions of boilers from the Act by Central Government in any part of the country so as to expedite the decisions on such issues in the interest of the rapid industrialisation of the country.

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the appointment of a Technical Adviser who shall also be the *ex officio* Member-Secretary of the Central Boilers Board.

2. The office of the Technical Adviser consists of one Assistant Director (Technical), one Section Officer, two Assistants, two Group C and Group D employees. The present expenditure on this office including salaries and allowances, etc. is per annum rupees 5.5 lakhs approximately. It is proposed to recruit one more Deputy Director (Technical) and one Assistant Director (Technical) to strengthen this office. The total recurring expenditure shall be about rupees 7 lakhs per annum. The extra expenditure of rupees 1.5 lakhs is proposed to be met from the fee to be collected from the Inspecting Authorities, Competent Authorities, Competent Persons, etc. Therefore, there will not be any extra expenditure from the Consolidated Fund of India.

3. No non-recurring expenditure is contemplated

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 27 of the Bill seeks to amend section 28 of the principal Act which empowers the Central Boilers Board to make regulations. The said clause seeks to provide for,—

- (a) laying down of the standard conditions in respect of material, design, construction, etc., of boilers for the purposes of registration of certification of boilers, boiler components, etc., under the Act;
- (b) the qualifications and experience subject to which Inspecting Authority, Competent Authorities and Competent Persons shall be authorised under the Act;
- (c) the conditions subject to which and the manner in which recognised manufacturer of boiler components or material may be recognised;
- (d) the facilities for design, construction and testing which the premises in which the manufacture of a boiler or boiler components is carried out;
- (e) the purposes of inspection or grant of authorisation, recognition or any certificate under the Act;
- (f) the procedure for examination and grant of welder certificate;
- (g) powers and function which the Board may delegate to the Technical Adviser;
- (h) documents to be enclosed along with the application for registration of boilers;
- (i) the manner of inspection of boilers;
- (j) conditions subject to which and the form in which Competent Person shall renew the certificate authorising the use of boilers;
- (k) the manner and form in which a repairer certificate shall be issued;
- (l) the manner in which a boiler shall be prepared for examination;
- (m) drawings, specifications, documents and other particulars which an owner of a boiler is required to make available to the Competent Person;
- (n) the manner in which energy audit shall be conducted.

2. Clause 28 of the Bill seeks to amend section 28A of the principal Act which empowers the Central Government to make rules providing for *inter alia*.—

- (a) the qualifications, experience, terms and conditions of Technical Adviser;
- (b) experience required for being appointed as Chief Inspectors, Deputy Chief Inspectors or Inspectors under the Act;

(c) the procedure to be followed and the period within which appeal shall be preferred under the Act;

(d) the manner in which the members of the Board may be nominated;

(e) conditions for the issue of boiler proficiency and boiler competence certificates.

3. Clause 29 seeks to amend section 29 of the Act, which empowers the State Governments to make rules, to provide for,—

(a) the powers and duties of Chief Inspectors and Deputy Chief Inspector;

(b) fee payable for registration of boilers;

(c) the manner in which appeals shall be preferred to the Chief Inspector and the procedure to be followed for hearing such appeals.

4. Matters in respect of which rules and regulations may be made are matters of procedure and detail and it is not possible to incorporate the same in the Bill. The delegation of power is, therefore, of a normal character.

V. S. RAMA DEVI,
Secretary-General.

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